

5 May 1975

SECOND COMMITTEE
FOR THE USE OF THE INFORMAL CONSULTATIVE
GROUP ON THE ECONOMIC ZONE

Denmark: Proposal: Laying of submarine cables and submarine pipelines
(Provision 97 in document A/CONF.62/C.2/WP.1)

- (1) In the exclusive economic zone all States shall enjoy the freedom of navigation, overflight and laying of submarine cables.
- (2) In the exercise of freedoms referred to in paragraph 1 of this article, States shall ensure that their activities in the exclusive economic zone are carried out in such a manner as not to interfere with the rights and interests of the coastal State.
- (3) The laying of submarine pipelines in the exclusive economic zone is subject to the consent of the coastal State.

State Dept. declassification & release instructions on file

CE.75-65174

SECOND COMMITTEE

C.2/Reference Paper No. 1
7 May 1975

ENGLISH
Original: SPANISH

NOTE BY THE CHAIRMAN: TEXTS OF PROPOSALS WHICH PARTICULAR DELEGATIONS
CONSIDER SHOULD BE INCLUDED IN DOCUMENT A/CONF.62/C.2/WP.1

During the second reading of the document entitled "Main Trends", the following delegations stated that the proposals listed below should be included in that document:

AUSTRALIA: PROVISION 112, FORMULA B

A/CONF.62/C.2/L.57/Rev.1, introduction:

Highly migratory species, defined in the annex, 26/ shall be regulated in accordance with the provisions of article ... in the same manner as other species of fish found or taken in the economic zone, except that in recognition of the greater likelihood that more States will be required in the case of highly migratory species to co-operate in the conservation, management and control of such species as well as in the rational utilization of such species, the following additional provisions shall apply:

BHUTAN: PART VIII. LAND-LOCKED COUNTRIES (ITEM 9)

A/AC.138/93, articles XII and XIII:

ARTICLE XII

Right of access to and from the sea through rivers

A land-locked State shall have the right of access to and from the sea through navigable rivers which pass through its territory and the territory of transit States or form a common boundary between those States and the land-locked State.

ARTICLE XIII

Alternative routes

Land-locked States shall have the right to use one or more of the alternative routes or means of transport for purposes of access to and from the sea.

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BOLIVIA: PROVISION 98

A/CONF.62/C.2/L.65, article 2:

Article 2

All the States concerned shall participate fully in the regional economic zone and shall be entitled to enjoy the use and benefits of all renewable and non-renewable resources therein, with equal rights and obligations.

CHINA: PROVISION 52

A/AC.138/SC.II/L.34, paragraph 1 (8):

(8) A coastal State may, for the purpose of regulation of its territorial sea, enact necessary laws and regulations and give publicity thereto. Ships and aircraft of a foreign State, passing through the territorial sea and the airspace thereabove of another State, shall comply with the laws and regulations of the latter State.

Foreign non-military ships enjoy innocent passage through territorial seas.

Passage is innocent when it is not prejudicial to the peace, security and good order of a coastal State.

A coastal State may, in accordance with its laws and regulations, require military ships of foreign States to tender prior notification to, or seek prior approval from, its competent authorities before passing through its territorial sea.

LESOTHO: PROVISION 178

A/CONF.62/C.2/L.45/Rev.1, paragraph 1:

Amendment to document A/AC.138/93

1. Article I, paragraph (d)

Subparagraph (i) should read as follows:

- (i) Any civil aircraft, railway stock, seagoing and river vessels and road vehicles;

MOROCCO: 1. PROVISION 35

A/CONF.62/C.2/L.16, article 22(2)

- 2. There shall be no suspension of the innocent passage of foreign ships through straits.

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2. PART III. STRAITS USED FOR INTERNATIONAL NAVIGATION (ITEM 4)

A/CONF.62/C.2/L.16, article 23:

Article 23

SPECIAL RIGHTS OF COASTAL STATES

The coastal State may require the co-operation of interested States and appropriate international organizations for the establishment and maintenance of navigational facilities and aids in a strait.

NEPAL: PROVISION 178

A/AC.138/93, article I(d)

(d) the term "means of transport" includes:

- (i) any railway stock, seagoing and river vessels and road vehicles,
- (ii) where the local situation so requires, porter and pack animals,
- (iii) pipelines, gaslines, and storage tanks when they are used for traffic in transit and other means of transport subject to appropriate arrangements as and when necessary;

PERU: PART VIII. LAND-LOCKED COUNTRIES (ITEM 9)
and

PART IX. RIGHTS AND INTERESTS OF SHELF-LOCKED
STATES AND STATES WITH NARROW SHELVES OR SHORT
COASTLINES (ITEM 10)

A/AC.138/SC.II/L.27, article 15, paragraphs 1 and 2:

Article 15

1. Land-locked States shall have the right of free access to the sea for the purpose of such uses and such preferential régime as they may agree upon with the neighbouring coastal States within the seas adjacent to the latter, and for enjoyment of the freedoms of the international seas.

2. Such uses and such preferential régime in the seas adjacent to the neighbouring coastal States as may be agreed upon shall be reserved to national enterprises of the land-locked State.

A/AC.138/SC.II/L.27, article 16:

Article 16

Coastal States which are not adjacent to land-locked States in the same region or subregion shall accord uses and a preferential régime within their adjacent seas to national enterprises of such land-locked States, under regional, subregional or bilateral agreements taking the interests of the respective States into account.
... (Complementary provisions on the régime for land-locked countries)

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SPAIN: 1. PROVISION 1

A/CONF.62/C.2/L.6, article 3:

Article 3. Straits forming part of the territorial sea

1. The sovereignty of a coastal State extends to straits forming part of the territorial sea, whether or not they are used for international navigation.

2. The coastal State exercises this sovereignty in accordance with the provisions of these articles and to other rules of international law.

2. PROVISION 35

A/AC.138/SC.II/L.18, article 5, paragraphs 3 and 4:

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily and in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. Subject to the provisions of articles 8, 22, paragraph 3 and 23, there shall be no suspension of the innocent passage of foreign ships through straits used for international navigation which form part of the territorial sea.

3. PROVISION 36

A/AC.138/SC.II/L.18, articles 14 to 18:

Article 14

The coastal State may regulate the passage through its territorial sea of the following:

- (a) Nuclear-powered ships or ships carrying nuclear weapons;
- (b) Ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment;
- (c) Ships engaged in research of the marine environment.

Article 15

1. The coastal State may require prior notification to or authorization by its competent authorities for the passage through its territorial sea of foreign nuclear-powered ships or ships carrying nuclear weapons, in conformity with regulations in force in such a State.

2. The provisions of paragraph 1 shall not prejudice any agreement to which the coastal State may be a party.

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Article 16

The coastal State may require that the passage through its territorial sea of foreign ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment be conditional upon any or all of the following:

- (a) Prior notification to its competent authorities;
- (b) Coverage by an international insurance or guarantee certificate for damages that might be caused by such carriage;
- (c) Use of designated sea lanes.

Article 17

1. The coastal State may require prior notification to its competent authorities for the passage through its territorial sea of foreign ships engaged in research of the marine environment, in conformity with regulations in force in such a State.

2. During their passage through the territorial sea, foreign ships engaged in research of the marine environment will not be entitled to carry out any scientific research or hydrographic survey without the explicit authorization of the coastal State.

Article 18

In order to expedite passage the coastal State shall ensure that the procedure of notification referred to in different articles of this section shall not cause undue delay.